

RECORDATION NO. 26580-0 FILED

APR 15 '11 -3 25 PM

**SURFACE TRANSPORTATION BOARD**

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ELIAS C. ALVORD (1942)  
ELSWORTH C. ALVORD (1964)

April 15, 2011

Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

Dear Section Chief,

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) copies of a Partial Release of Indenture, dated as of April 15, 2011, a secondary document as defined in the Board's Rules for the Recordation of Documents.

The enclosed document relates Memoranda of Trust Indenture previously filed with the Board under Recordation Numbers 26580-A, -C and -E.

The name and address of the party to the enclosed document are:

Indenture Trustee	Wilmington Trust Company Rodney Square North 1100 North Market Street Wilmington, DE 19890-0001
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[Owner Trustee.	Wells Fargo Bank Northwest, National Association 299 South Main Street, 12th Floor Salt Lake City, UT 84111]
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Chief  
Section of Administration  
September 15, 2010  
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A description of the railroad equipment covered by the enclosed document is:

11 railcars RELEASED within the series DKPX 610046 - DKPX 620192 as more particularly set forth in the attachment to the document.

A short summary of the document to appear in the index is:

Partial Release of Indenture.

Also enclosed is a check in the amount of \$41.00 payable to the order of the Surface Transportation Board covering the required recordation fee

Kindly return stamped copies of the enclosed document to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert W. Alvord', with a checkmark to its left.

✓ Robert W. Alvord

RWA/sem  
Enclosures

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## PARTIAL RELEASE OF INDENTURE

SURFACE TRANSPORTATION BOARD

THIS PARTIAL RELEASE OF INDENTURE ("Partial Release"), dated as of April 15, 2011, is by WILMINGTON TRUST COMPANY, not individually but solely as Indenture Trustee ("Indenture Trustee").

WITNESSETH:

WHEREAS, Wells Fargo Bank Northwest, National Association, not individually but solely as Owner Trustee ("Owner Trustee") has heretofore granted to the Indenture Trustee a security interest in all of Owner Trustee's right, title and interest in that certain railroad equipment identified on Schedule 1 attached hereto (the "Equipment"), as indicated pursuant to the terms of that certain Trust Indenture and Security Agreement (DPC Trust No. 2006-1), dated as of September 28, 2006, that certain Trust Indenture Supplement No. 1, dated as of September 28, 2006, that certain Trust Indenture Supplement No. 2, dated as of September 28, 2006, that certain Trust Indenture Supplement No. 3, dated as of October 31, 2006 and that certain Trust Indenture Supplement No. 4, dated as of November 30, 2006 (collectively, the "Indenture"), between the Indenture Trustee and Owner Trustee, evidence of which was filed with the Surface Transportation Board (the "STB") and the Registrar General of Canada, on such dates, and with respect to the STB, with such recordation numbers, as set forth on Schedule 2 hereto;

WHEREAS, in addition, other than Excepted Property, Owner Trustee has heretofore granted to the Indenture Trustee a security interest in that certain Equipment Lease Agreement (DPC Trust No. 2006-1) dated as of September 28, 2006, that certain Lease Supplement No. 1, dated as of September 28, 2006, that certain Lease Supplement No. 2, dated as of September 28, 2006, that certain Lease Supplement No. 3, dated as of October 31, 2006 and that certain Lease Supplement No. 4, dated as of November 30, 2006 relating to the Equipment, between Owner Trustee, as Lessor, and Duke Energy Carolinas, LLC (f/k/a Duke Power Company LLC), as the Lessee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Indenture Trustee agrees as follows:

1. Capitalized terms used herein without definition shall have the meanings given such terms in the Indenture.
2. Pursuant to Section 5.06 of the Indenture, the Indenture Trustee forever releases and discharges its security interest and the lien of the Indenture solely with respect to the Equipment and any part of the Indenture Estate relating to the Equipment. For the avoidance of doubt, nothing herein shall be construed to release from the lien of the Indenture or to impair such lien upon any property subject thereto, except the Equipment and any part of the Indenture Estate relating to the Equipment.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the undersigned has caused this Partial Release of Indenture to be executed as of the first date herein above written.

WILMINGTON TRUST COMPANY, not  
individually but solely as Indenture Trustee

By:   
Name: Jose L. Parades  
Title: Assistant Vice President

STATE OF Delaware  
COUNTY OF New Castle ss:

The foregoing Partial Release of Indenture was acknowledged before me, the undersigned Notary Public, in the County of New Castle this 4 day of April 2011 by JOSE L. PARADES, as ASSISTANT VICE PRESIDENT of Wilmington Trust Company, not individually but solely as Indenture Trustee.

  
Notary Public

My commission expires: \_\_\_\_\_

[Notarial Seal]  
PATRICK A. KANAR  
Notary Public - State of Delaware  
My Comm. Expires April 6, 2012



**Schedule 1**

**EQUIPMENT DESCRIPTION  
(Equipment Group A, B, C and D)**

**Type of Railcar:** Aluminum Car

**Quantity:** Eleven (11)

**Car Marks:** DKPX

**Running Numbers:** 610046  
610151  
610324  
610325  
610385  
610395  
610411  
610482  
610501  
610527  
620192

## Schedule 2

### **EVIDENCE OF FILING**

A Memorandum of Trust Indenture and Security Agreement, Trust Indenture Supplement No. 1 and Trust Supplement No. 2 was filed with (i) the Surface Transportation Board on September 27, 2006 at 4:05 p.m. under recordation number 26580-A, and (ii) the Registrar General of Canada on September 27, 2006 at 4:14 p.m.

A Memorandum of Trust Indenture and Security Agreement and Trust Indenture Supplement No. 3 was filed with (i) the Surface Transportation Board on October 30, 2006 at 3:40 p.m. under recordation number 26580-C, and (ii) the Registrar General of Canada on October 31, 2006 at 10:13 a.m.

A Memorandum of Trust Indenture and Security Agreement and Trust Indenture Supplement No. 4 was filed with (i) the Surface Transportation Board on November 29, 2006 at 2:33 p.m. under recordation number 26580-E, and (ii) the Registrar General of Canada on November 29, 2006 at 3:51 p.m.

**CERTIFICATION**

I, Robert W. Alvord, attorney licensed to practice in the State of New York and the District of Columbia, do hereby certify under penalty of perjury that I have compared the attached copy with the original thereof and have found the copy to be complete and identical in all respects to the original document.

Dated: 4/15/11



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Robert W. Alvord